

Department of Natural Resources Office of Coastal Management

Frequently Asked Questions (FAQ)

If you are unable to find the answer to your question here, click [here](#) to contact an OCM representative who will respond to your question.

[General Information](#)

+ 1. What is your mailing address?

Office of Coastal Management

P. O. Box 44487

Baton Rouge, Louisiana 70804-4487

+ 2. What is your physical address (for UPS, FedEx deliver)?

Office of Coastal Management

617 North 3rd Street, Suite 1078

Baton Rouge, Louisiana 70802

+ 3. Where is your office located?

Our offices are located on the 10th floor of the LaSalle Building which is on the northwest corner of the North Street and 3rd Street intersection. From Interstate 10 east or west: Follow I-110 when you get to the I-10/I-110 split. Take the North Street exit 1D (exit on the left) then go straight for approximately 6 blocks.

A map and driving directions are also available on our website at

<http://www.dnr.state.la.us/visitordrive.ssi>

+ 4. Where can I park?

Parking for visitors to the LaSalle Building is provided in the State Visitors Center Parking Garage, located at the corner of Lafayette Street and North Street. The garage is open 7:00 a.m. - 7:00 p.m. Monday through Friday. Bring your parking ticket in for validation at the front security desk on the first floor. Please note that you will have to sign in at the security desk to enter the main part of the building. No weapons, pocket knives, etc. will be allowed.

+ 5. I have a question or a problem, how can I contact the office?

Please refer to the [Office of Coastal Management Contacts](#) page to obtain contact information related to permitting, mitigation, interagency affairs, consistency, local programs, non-point source, or enforcement.

+ 6. What are your business hours?

Our core business hours are 7:00 - 4:30.

If you wish to visit with a specific individual please call ahead and schedule an appointment with that person.

+ 7. What is your fax number?

General purpose fax: (225) 342-9439

Fax number for Coastal Use Permit applications: (225) 342-6760

+ 8. How can I make a comment on a public notice?

All comments must be in writing and submitted to Office of Coastal Management - Permits & Mitigation Division at the addresses/fax number listed above. Note that, to ensure your comments are received by the appropriate analyst be sure to include:

- the Coastal Use Permit number ,
- the applicant's name,
- analyst

+ 9. Can I make copies of permit files?

Our files are available for review during normal business hours. You may also request copies from the Office of Coastal Management - Permits & Mitigation Division. Please note that copies cost \$0.25/page. Please allow time for your request to be processed.

Also please note that a number of files are available on the website. Click here to search the database. <http://sonris.com/direct.asp?server=sonris-www&path=/sonris/cmdPermit.jsp%3Fsid%3DPROD>

+ 10. How can I get a copy of the Coastal Zone map?

You can send your request for a Coastal Zone map to our office at the address/fax number listed above or via e-mail to ocminfo@la.gov. You may also obtain a Coastal Zone map from our Field Investigators and from Local Program officials in those parishes with approved Local Programs (Calcasieu, Cameron, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. James, St. Tammany and Terrebonne Parishes).

[General Definitions](#)

+ 1. What is the Coastal Zone Boundary?

The Coastal Zone Boundary is a politically defined line that delimits Coastal Management's regulatory jurisdiction. It typically follows political (parish) boundaries and man-made features (the Gulf Intracoastal Waterway, I-12, etc.) to make it easier for people to determine whether or not they are in the Coastal Zone. You can also view the Coastal Zone boundary through DNR's Interactive Maps – just click [here](#) to access the link to the Interactive Map layer in the GIS access.

+ 2. What is the Conservation Plan Boundary and why does it differ from the Coastal Zone Boundary?

The Conservation Plan Boundary delineates the area in which the State has agreed to ensure that there is no net-loss of vegetated wetlands caused by development projects. This assurance makes the state eligible for a 10% reduction in its cost-share for major coastal restoration projects. It does NOT increase the regulatory jurisdiction of the Coastal Zone Management Program. It differs from the Coastal Zone Boundary in that it is based on an ecological determination of the interior-most limits of tidal (salt water) influence.

⊕ **3. What are uses of “state” concern?**

Uses of “state” concern are those regulated activities that have been specifically designated as being appropriate for permitting at the state level as opposed to being regulated by approved local programs. Examples include activities using state or federal funds, being conducted on state waterbottoms or other state property, oil and gas projects, etc.

⊕ **4. What is a wetland?**

Open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

⊕ **5. Do you use the U.S. Army Corps of Engineers definition of a wetland?**

No. There is a big difference in how the wetland extent is determined by State or Federal agencies. While the federal agencies base their delineation on three parameters, soils, hydrology and vegetation; the State determination is dependent only on the vegetation; the State determination is dependent only on coastal vegetative habitats below the 5 foot contour of elevation.

HOWEVER, it is important to realize that Office of Coastal Management’s regulatory program evaluates a proposed project’s impact to “coastal waters”, a broader scope than “wetlands” alone.

Click [here](#) to find out more about the regulatory approach to wetland jurisdiction.

⊕ **6. How do I get a wetland determination?**

Wetland determinations/delineations are conducted by the U.S. Army Corps of Engineers. Please contact the U.S. Army Corps of Engineers to arrange for them to evaluate your property. You can visit the U.S. Army Corps of Engineers’ website to view more information about how to request a wetland determination at

http://www.mvn.usace.army.mil/ops/regulatory/reg_wetland_request_deter.asp

⊕ **7. If I have a wetland determination from the U.S. Army Corps of Engineers that says my property is not a wetland, do I need anything else?**

Yes, activities within the Coastal Zone that are not exempt do require a permit. If your project is in the Coastal Zone, you need to submit an application to Office of Coastal Management and receive approval for your project before you commence work. While the Office of Coastal Management’s program is heavily weighted towards minimization of impacts to vegetated wetlands, other aspects of your project might also be regulated.

⊕ **8. What are fastlands?**

Fastlands are lands surrounded by publicly-owned, maintained, or otherwise validly existing levees or natural formations as of January 1, 1979, or as may be lawfully constructed in the future, which levees or natural formations would naturally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters. Practically this means that areas within validly existing leveed systems that are under pump. It is important to note that the lands are not exempt, but activities occurring within the levees that do not have a direct or significant impact are exempt. ([LAC, Title 43, Part I, Chapter 7, § 700](#)).

⊕ **9. What is mitigation?**

Mitigation includes the actions taken by the permittee to avoid, minimize, restore, and compensate for ecological values lost due to a permitted activity. ([LAC, Title 43, Part I, Chapter 7, § 700](#)).

⊕ **10. What is this landowner notification affidavit?**

The landowner notification affidavit is a legislatively mandated statement (R.S. 49:214.30.C.2.a.) that you have sent a copy of the application packet to the landowner(s) of the property on which the project is located.

[Rules and Regulations](#)

⊕ **1. How can I get a copy of the rules and regulations?**

You can access the most up-to-date rules and regulations on the internet by visiting here: <http://doa.louisiana.gov/osr/lac/lac43.htm>

OR

For more information on the LAC, or for printed copies, please contact:

Division of Administration
Office of the State Register
P.O. Box 94095
Baton Rouge, LA 70804-9095
Telephone: (225) 342-5015

⊕ **2. What gives the agency the right to regulate private property?**

We are not regulating private property. We regulate activities that have a direct and significant impact on state public resources. Our authority derives from Louisiana Revised Statute 49:214.21 et seq. To view the text of this and other legislative instruments, click [here](#). (<http://www.legis.state.la.us/lss/tsrssearch.htm>)

⊕ **3. If my proposed activity is not in the Coastal Zone, do I still need to send an application to the Office of Coastal Management?**

Yes, you do need to submit an application if the proposed activity is outside the Coastal Zone, but still may have an impact on coastal lands, water, or resources. Review of the activity will occur through the Consistency process rather than the permit process. Additionally, if you need a formal determination from our agency that the activity is outside of our regulatory jurisdiction (on occasion some other regulatory entity will require a written determination from our office) you may submit an application for that determination.

⊕ **4. Has Louisiana assumed 404 responsibilities from the U.S. Army Corps of Engineers?**

No. While the State Coastal Use Permit and Federal 404/10 permit processes are similar, they were established under different federal laws.

⊕ **5. How can I find out the requirements to obtain a U.S. Army Corps of Engineers (USACE) permit?**

To find out the requirements to obtain USACE permit click here:

<http://www.mvn.usace.army.mil/ops/regulatory/permitapply.asp>

⊕ **6. What does the Coast Guard require for marking/lighting of structures?**

As these requirements are subject to change, please contact your local Coast Guard station to obtain the most current information. To find out more information visit the website at

<http://www.uscg.mil/>

⊕ **7. What is Section 10 of the Rivers and Harbor Act?**

Section 10 of the Rivers and Harbor Act of 1889 prohibits the obstruction or alteration of navigable water of the United States without a permit from the U.S. Army Corps of Engineers.

⊕ **8. What is Section 404 of the Clean Water Act?**

Section 404 of the Clean Water Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers.

⊕ **9. How does the Office of Coastal Management protect the information that I provide throughout my Joint Permit Application?**

Information provided on the application is used to evaluate the activity that is proposed for permitting, and this information is generally available for inspection and copying by the public, pursuant to the Louisiana Public Records act. There are some limited exceptions to the public records laws to protect certain types of records or information from public inspection. Please contact our office, **before** you submit any records or information that you would prefer not be available for public inspection or copying. In any case, simply marking a document “CBI” or “confidential business information” will not guarantee that the records or information will be protected from public inspection and copying.

[Permitting Questions](#)

⊕ **1. How does the permit process work?**

In general, an application is submitted which details the location and scope of the proposed work. Office of Coastal Management – Permits & Mitigation Division, which serves as a central collection point for the applications, distributes the applications to interested parties for their review and comment. Office of Coastal Management - Permits & Mitigation Division and the commenting agencies review the application for conformance with programmatic requirements and look for ways of minimizing impacts to coastal resources (e.g., vegetated wetlands, bird rookeries, endangered species, etc.). If necessary, negotiations are entered into to find locations, technologies or methods of implementing the project which will accommodate the needs of the permit applicant while conforming with the mandates of the various state and federal agencies. Once consensus is reached an appropriately conditioned permit is issued.

For additional information contact Office of Coastal Management at 1-800-267-4019 or visit the website at: <http://dnr.louisiana.gov/crm/>. You may also contact the U.S. Army Corps of Engineers at 504-862-2255 or visit the website at <http://www.mvn.usace.army.mil/ops/regulatory/index.asp>

⊕ **2. How long does it take to obtain a permit?**

How long it takes to obtain a permit from the Office of Coastal Management depends on several

things, the type of activity, the location of the activity, and the applicant. The following schedules are offered with the assumption that all of the information required by Office of Coastal Management is included in the application and the plats are adequate, clear and legible. For activities that are exempt from permit requirements, the determination is normally issued in under seven days. Projects that are determined to have no direct or significant impacts to coastal resources are issued in 4 to 10 days depending on location. Authorizations for activities that qualify for a General Permit are issued in 10 to 15 days. For those activities that require full public notice, a minimum of 45 days is required. During review of the permit application, for more complex activities, additional information may be requested. The more promptly the applicant can furnish this information the less time it will require to issue the authorization. The requirement for mitigation of wetland impacts is one of the factors that increases the time required for permit application review, as does coordination with other State agencies for activities affecting resources of concern to that agency.

⊕ 3. What types of permits are there?

Office of Coastal Management issues three types of authorizations:

- determinations that the activity is exempt or has No Direct and Significant Impact on coastal waters (NDSI)
- General Permits (GP), click [here](#) to view the current General Permits.
- individual Coastal Use Permits (CUP)

Some types of coastal activities are exempt from Coastal Use Permits yet still must be consistent with the Louisiana Coastal Resources Program. These activities are reviewed by the Consistency Section of the Office of Coastal Management – Interagency Affairs/Compliance Division.

⊕ 4. Can I find out if I need a permit without filing an application?

Yes, you can either submit a “Solicitation of Views” (SOV) or a “Request for Determination” (RFD) without having to file a complete application.

If you submit a SOV, you will receive a determination of whether or not your application is situated within the Coastal Zone. SOVs require only the barest of information - perhaps only the project location but also details of what the project entails. We need enough information to determine location and whether the project will have direct and significant impacts to coastal waters. Application fees are waived for SOVs.

If you submit a RFD, you will get a determination of whether or not a permit is required. RFDs require the submittal of a nearly complete application packet, though nonessential information (landowner notification affidavit, adjacent landowner list, etc.) can be omitted. In your application for RFD, please state the reason you believe your project is exempt from permitting. If a permit is required, your application will be changed to a request for permit. Application fees are not waived for RFDs.

If you are interested in buying a property and are concerned about utilizing it as you wish, some people have found it useful to get a wetland delineation of the property and include a clause in their purchase agreements which allows them to cancel the purchase in the event appropriate

permits cannot be obtained in a reasonable amount of time

+ 5. Is an application required for a General Permit?

Yes, it is necessary to submit a complete application packet to obtain a GP authorization. Copies of the current General Permits are available on the internet. Click [here](#) to view the current General Permits.

+ 6. How do I find out which type of permit I need for an activity?

Office of Coastal Management - Permits & Mitigation Division will determine the type of permit required based on the information you submit to us - don't worry about trying to make the determination yourself.

+ 7. Can I submit a permit application to the parish instead of the state?

Yes, if your project is located in a parish with an approved Local Coastal Program (Calcasieu, Cameron, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. James, St. Tammany or Terrebonne) then you may submit your application to either the approved local program or the state office. If you submit the application to the state office, it will be input into the system and reviewed at that time. If you submit your application to the local parish office, then that office will forward the application to the state office to be input into the system and reviewed. Please allow additional time to receive a response if you choose the latter option.

+ 8. When I receive my permit from Office of Coastal Management, may I begin work?

Following the determination from Office of Coastal Management, work may begin only after obtaining any necessary permit(s) from the U.S. Army Corps of Engineers, including any required mitigation, and any approvals or permits required by any local authority or agency or by any state or federal agency, as may be required by law for said activity or the construction of the referenced project. (See Coordination with Other Agencies)

+ 9. If my project is in a fastlands area, why do I need a U.S. Army Corps of Engineers permit but I do not need a permit from the Office of Coastal Management?

The Louisiana legislature exempts activities occurring in fastlands from permitting by the Office of Coastal Management unless the Secretary determines that the specific activity will have a "direct and significant impact on coastal waters".

The U.S. Army Corps of Engineers regulatory program is based on a different, federal law which does not contain that exemption.

+ 10. How do I know what is going on with my application?

You can track all activity related to your application in the Coastal Use Permit Application Database. Click [here](#) to search the database.

+ 11. Do I need a permit to?

In general, if the proposed activity is in the Coastal Zone the safest course of action is to submit an application to Office of Coastal Management - Permits & Mitigation Division for formal review. Even when a proposed activity is not in the Coastal Zone, if it might affect coastal resources, a Consistency determination may be required.

We, and representatives of other state and federal agencies involved in the permit process, are available for pre-application meetings which can provide substantive guidance on what will be required and ways to ease the permit process.

⊕ **12. Why can't I fill in all my property?**

Both the state and federal laws governing wetland development require that wetlands be conserved to the maximum extent practicable. If you can demonstrate that there is a reasonable need for the use you propose, that there are no other non-wetland or less damaging sites available, and that the entire property is required to fulfill the use, you may be allowed to fill the property in its entirety; however, appropriate mitigation may be required.

⊕ **13. I have a mineral lease from the State. Do I need a permit to maintain dredge a canal?**

Yes, though the original permit for the canal may allow you to maintain it without the need for additional permits - we'll need to check the old permit(s) and see exactly what was and was not allowed.

⊕ **14. What will happen if my project does impact some wetlands on my property - do I have to pay some sort of fine?**

First you will have to demonstrate that there is a need to impact the wetlands and that there are no feasible alternatives available (such as reducing the scope of your project or changing its configuration). If those hurdles are met, you will have to mitigate for any remaining impacts to vegetated wetlands.

In order to complete the mitigation requirements, you need to either develop an individual mitigation project or, in some cases, buy credits at an approved mitigation bank or area. Be aware that buying mitigation credits can be very expensive. For a number of reasons (ease of permitting, maintenance obligations, etc.), buying credits is usually the most feasible option if it's available to you.

⊕ **15. Do I need a permit for maintenance activities of my pipeline?**

Most maintenance activities for pipelines include inspections and running smart pigs. Running smart pigs typically does not require authorization from OCM if the pig will be run from one platform to another; however, any excavations to perform maintenance activities or inspections, lowerings or repairs likely will require an OCM authorization. Clearing the rights-of-way (R-O-Ws) of brush and trees also may require a permit. If the R-O-W is functioning as a vegetated wetland habitat type and that habitat will be changed or degraded, mitigation may be required. If the R-O-W is just overgrown and has been maintained, typically a permit is not required; however, tracking of equipment is a concern and may require permitting in some situations. Any access route that does not include the existing R-O-W will require additional permitting. If you have questions regarding the necessity for a permit for pipeline maintenance activities please contact the Office of Coastal Management, Permits/Mitigation Division.

[Coordination with Other Agencies](#)

⊕ **1. When I receive my permit from Office of Coastal Management, may I begin work?**

Following the determination from Office of Coastal Management, work may begin only after obtaining any necessary permit(s) from the U.S. Army Corps of Engineers, including any required mitigation, and any approvals or permits required by any local authority or agency or by

any state or federal agency, as may be required by law for said activity or the construction of the referenced project.

+ 2. In addition to the permit issued by Office of Coastal Management - Permits & Mitigation Division, will I need to get a permit from the U.S. Army Corps of Engineers?

Yes, in most cases you will need approval from the U.S. Army Corps of Engineers - the specific type will vary depending on your project.

+ 3. In addition to the permit issued by Office of Coastal Management - Permits & Mitigation Division, what other permits may be required?

If your project involves dredging or filling of wetlands you may need a Water Quality Certification from the Department of Environmental Quality (call Jamie Phillippe at 225/219-3465).

Other approvals may be required from the State Land Office, the Department of Culture, Recreation and Tourism, the Department of Transportation and Development, the Department of Health and Hospitals and/or the Department of Wildlife and Fisheries, but those agencies will notify you of their requirements as part of the Joint Public Notice process.

It is advisable to check independently with local city/parish agencies to see if building permits or other local authorizations might be required.

+ 4. If I send the application for a “Class A” permit to Office of Coastal Management - Permits & Mitigation Division will you forward it to State Lands?

The Office of Coastal Management does not process applications for “Class A” permits. This correspondence should be directed to

Mr. Clay Carter
State Land Office
P. O. Box 44124
Baton Rouge, Louisiana 70804-4124

+ 5. Do I need to take the application to DEQ myself?

No, Office of Coastal Management - Permits & Mitigation Division will forward a copy of your application to DEQ at their request (they have asked us not to forward copies of all applications to them).

[The Application](#)

+ 1. How do I get to the application packet on your website?

The application form, instructions and checklist are available for download at the following web page: <http://dnr.louisiana.gov/crm/coastmgt/cup/cup.asp>

Application packets are available from our office, from our Field Investigators and from Local Program officials in those parishes with approved Local Programs (Calcasieu, Cameron, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. James, St. Tammany and Terrebonne Parishes). Application packets are also available at the U.S. Army Corps of

Engineers office in New Orleans.

⊕ 2. Can we meet/can you come down and help me fill out the application?

Yes. Someone from our office will be happy to meet with you either at our offices or at your home or business to assist you with the application. Office of Coastal Management - Permits & Mitigation Division personnel CANNOT fill out the application for you or draw or revise your plats. We can, however, discuss with you the information that needs to be provided. If you are in a parish with an approved local program, their staff members are also available to help you.

⊕ 3. How many copies of the application do I need to send in?

If you submit a paper application via mail, fax, or hand delivery, then you must submit at least one hard copy. However, no hard copies are necessary if you use the electronic system to submit your application. Click here to view the online application and to access the paper application http://workflow.dnr.state.la.us/sundown/cart_prod/pkg_dnr_wf.initiate.

⊕ 4. What do I need to send in with my application for it to be complete?

The application checklist found on the internet at:
<http://dnr.louisiana.gov/crm/coastmgt/cup/checklist.pdf>

This site provides you with a comprehensive list of the basic information/materials required to get the permit review process started. Submittal information includes but is not limited to: an application-fee check, a completed application form, a vicinity map, a detailed plan view, a detailed cross-section view and a landowner notification affidavit will get you started. Additional information, such as a justification and needs assessment, alternatives analysis, mitigation proposal, etc., may be required during processing depending on the specific nature and location of your project.

⊕ 5. Who gets the copies of the application?

The application is distributed to the following governing bodies:

- Office of Coastal Management - Permits & Mitigation Division,
- Local Programs Section if the project is in a parish with an approved Local Program (to expedite coordination with the parish's Local Program, which will also get a copy),
- Office of Coastal Management Support Services staff,
- the appropriate Office of Coastal Management Field Investigator (to see if a field investigation is likely to be required),
- U.S. Army Corps of Engineers,
- State Land Office.

⊕ 6. If I don't know who the adjacent property owners are, what do I do?

In many cases your local parish officials should be able to help you by going over tax roles, utility bill records, etc. It may be necessary to visit with the Clerk of Court to go over property transfer records.

⊕ 7. How do I figure cubic yardage/ acreage, etc.?

To calculate cubic yards: multiply the length by the width by the depth (in feet) of the area to be dredged or filled and divide by 27.

To calculate acreage: multiply the length by the width (in feet) of the site and divide by 43,560.

+ 8. What do you mean by the statement "I need to show the mean low and high water levels on my plats?" How can I acquire this information?

Water depths are needed in our evaluation of whether dredging, propwashing, etc. might be needed to access a location. Mean low and mean high water levels help us in that determination. Additionally, this information is critical for activities located along shorelines to determine whether state waterbottoms will be impacted by the project.

For smaller, non-commercial projects - bulkheads, piers, etc. - the applicant is generally familiar enough with the property to give a pretty good indication of where the “average” low and high water lines are without needing outside help - we don’t need scientific accuracy just a good indication based on their experiences. For larger projects, commercial activities or when the applicant does not have a good idea of local conditions the U.S. Army Corps of Engineers can provide tidal data from the closest water level monitoring gauge.

+ 9. Do I need a surveyed plat of the property?

In most cases surveyed plats are not required; however, the plats that are submitted need to be clear, legible, and reproducible. The plats also need to accurately represent the current conditions of the site and what is proposed. We also require the latitude and longitude and the section, township and range of the proposed activity. Both are required for commercial activities, either is acceptable for noncommercial activities.

+ 10. What is a plan-view/cross-section view drawing?

A “plan view” shows the layout of the proposed project from an overhead perspective - like you’re looking down on it from an airplane.

A “cross-section view” shows how the project looks from the side- including dimensions.

Click [here](#) to view some sample plats for some typical activities.

[Fees](#)

+ 1. What are the fees for permit application and processing?

Permit Type	Permit Application Fee	Permit Processing Fee	Minimum Permit Processing Fee	Maximum Permit Processing Fee
Residential	\$20.00	\$0.04/cubic yard	No processing fee is assessed if there is less than 125 cubic yards of material dredged or filled.	\$2,000.00
Non-Residential	\$100.00	\$0.05/cubic yard	A minimum permit processing fee of \$25 is assessed if the use involves	\$5,000.00

dredging and/or filling of less than
500 cubic yards of material.

* Note that government sponsored drainage improvement projects are not assessed permit application or permit processing fees.

+ 2. What are the fees for mitigation activities?

Mitigation processing fees vary by the acreage of impacted vegetated wetlands and other coastal resources. The mitigation processing fees range from \$50 to \$15,000.

Please note that the actual costs for compensatory mitigation are not included in these processing fees. Please review the Mitigation section of the FAQs for additional information on compensatory mitigation.

+ 3. What are the fees for enforcement actions?

There are no enforcement fees, however fines of \$50 to \$12,000 may be assessed based upon a formula which considers the scope of the work performed and several other factors.

Please note that permit and mitigation processing fees may also be assessed as part of an enforcement action.

[Permit Time Limits](#)

+ 1. How long is my permit valid?

Permits are typically valid for five years; however, the initiation period expires two years from the date the permit was issued. Please see Permit Time Limits questions 2, 3, and 4 for more information about the initiation period and extensions.

+ 2. Please explain the two-year initiation period.

In most cases (there are some exceptions) you must commence work on your project within 2 years of the date of permit issuance.

+ 3. Can I get an extension for the initiation period for a permit after the two (2) year deadline?

The initiation period can be extended for an additional 2 years if you submit a written request to us no less than 60 and no more than 180 days before the initial 2 year period expires. Requests received later than 60 days prior to the expiration date of the permit shall be eligible for consideration for extension, however a permittee who fails to make a timely request for an extension shall not engage in any activity requiring a coastal use permit past the original permit expiration date until an extension of the lapsed permit or a new permit is granted.

+ 4. Can I get an extension for the term to complete the permitted activities after the five (5) year deadline?

Yes. The term to complete the use may be extended for up to a total of an additional three (3) years beyond the term for completion from the date of permit issuance. You will need to submit a written request to us no less than 60 and no more than 180 days before the term to complete

expires. Requests received later than 60 days prior to the expiration date of the permit shall be eligible for consideration for extension, however a permittee who fails to make a timely request for an extension shall not engage in any activity requiring a coastal use permit past the original permit expiration date until an extension of the lapsed permit or a new permit is granted.

⊕ **5. Is there a fee for an extension request?**

Yes. A nonrefundable extension request fee in the amount of \$80 shall be included with such a request, and the request must be received by the Permits, Mitigation and Support Division no sooner than 180 days and no later than 60 days prior to the expiration of the permit in question. If the appropriate fees are not included along with the request for an extension to initiate a coastal use permit and/or to complete the use, the request will be considered incomplete, and returned to the permittee.

⊕ **6. What do I need to do if my extension request involves modifications to a permitted activity?**

Extension requests involving modifications to a permitted activity which would result in greater impacts to the environment than previously permitted will be considered as new applications rather than as extension requests. Extension requests involving modifications to a permitted activity which would result in identical or lesser impacts to the environment than previously permitted may be considered as extension requests, and must contain adequate information (such as drawings, maps, etc.) to support and explain the proposed modifications.

⊕ **7. My permit expired last year and no extension was granted, what do I need to do to extend it?**

You must submit a new application for any uncompleted work.

⊕ **8. I have a letter from the Office of Coastal Management dated 3 years ago that says I don't need a permit, but it also says that the determination is only valid for 2 years, what do I need to do?**

You should submit a new application for any uncompleted work because there may have been changes to the law, impacted habitats, environment, etc. which may change the determination.

[Transferring Authorizations](#)

⊕ **1. Can I transfer an expired permit?**

Yes. Be aware that;

1) Expiration of a permit does not eliminate the need to comply with all permit conditions (especially as it relates to mitigation and the maintenance of mitigation)

2) Any additional work, maintenance, or completion of unfinished components will require a new permit.

⊕ **2. How do I transfer a permit?**

A permit transfer form and instructions are available on the internet at:

<http://dnr.louisiana.gov/crm/coastmgt/cup/transfer.pdf>

If you don't have internet access please contact us at 1-800-267-4019, and we can send you a copy via mail.

Landowner Notification Affidavit

⊕ **1. What is this landowner notification affidavit?**

The landowner notification affidavit is a legislatively mandated statement (R.S. 49:214.30.C.2.a.) that you have sent a copy of the application packet to the landowner(s) of the property on which the project is located.

⊕ **2. Does the landowner notification affidavit need to be notarized?**

No.

⊕ **3. Can my agent sign the landowner notification affidavit for me?**

Yes.

⊕ **4. I have a surface lease for this property, why do I need to notify the landowner of the proposed activity?**

The state law that mandates submittal of a landowner notification affidavit (R.S. 49:214.30.C.2.a.) contains no provision to exempt lease holders from the law.

⊕ **5. If I own the property, do I still need to submit a landowner notification affidavit?**

Yes.

⊕ **6. How do I find out who the landowners are and then contact them?**

In many cases your local parish officials should be able to help you by going over tax roles, utility bill records, etc. It may be necessary to visit with the Clerk of Court to go over property transfer records.

Mitigation Related Questions

⊕ **1. What is compensatory mitigation?**

Compensatory mitigation is the replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of ecological value caused by a permitted activity. The secretary will consider recommendations of state and federal agencies and parishes with approved local programs when selecting compensatory mitigation.

⊕ **2. Why must I mitigate?**

State law (La. R.S. 49:214.41) requires Office of Coastal Management to obtain adequate mitigation for any impacts to vegetated wetlands.

⊕ **3. How much will mitigation cost?**

Mitigation costs vary depending on 1) the location, size, and habitat type impacted and 2) the type of mitigation being done (individual project or purchase of credits from an approved mitigation bank or mitigation area). In the event that the OCM and permit applicant determine that the acquisition of credits from a mitigation bank is an acceptable measure to satisfy compensatory mitigation obligations of the permitted activity, the OCM will notify the applicant of which bank to contact and how many credits the applicant will be required to purchase from said bank. It is then the applicants responsibility to contact the bank to determine the unit cost of the credits.

⊕ **4. How are mitigation obligations assessed?**

Generally, mitigation obligations are not assessed on an acre for acre basis. Unavoidable net losses to wetlands are measured in Average Annual Habitat Units (AAHUs). An AAHU is

defined as a unit of measure of ecological value. Wetland losses resulting from a project are quantified in AAHUs using the appropriate Wetland Value Assessment (WVA) model. The WVA uses site specific parameters in the calculation of the compensatory mitigation obligation. Ecologically “poor” sites will have fewer AAHUs per acre than ecologically “rich” sites which would yield higher AAHUs. Construction of an individual mitigation project or the purchase of credits from a mitigation bank, either of which that generates more AAHUs per acre than needed to replace the AAHUs impacted, may result in the need for fewer mitigation acres than were impacted and vice versa. Net gains in AAHUs resulting from a compensatory mitigation action must equal the AAHUs lost.

+ 5. What are my compensatory mitigation options?

- Purchase credits from a mitigation bank/area that is approved by the Office of Coastal Management
- Advanced mitigation credits
- Implementation of individual mitigation measure
- Monetary contribution to the affected landowner or affected parish (with an approved Local Parish Program) to implement an approved compensatory mitigation plan and/or to the Louisiana Wetlands Conservation and Restoration Fund
- Other options determined to be appropriate by the secretary which fully compensate for lost habitat values

+ 6. What are the location priorities when choosing mitigation?

- Mitigation must have positive impact on ecological value of the Louisiana Coastal Zone
- Should be on-site if possible
- Located on the affected landowner’s property (La. R.S. 49:214.41)
- Located within the same hydrologic basin
- In order of preference
 - Same habitat type
 - Produce similar ecological values to those impacted
 - Contribute to the overall wetland health of the hydrologic basin despite being in a different habitat type

+ 7. How do I determine the appropriate mitigation site for my project?

The first place to start is to coordinate with the landowner. He may have habitat enhancement projects nearby which could be used. If not, the Local Coastal Program contact or his equivalent in parishes without approved local programs is a valuable source of information and assistance. In addition, both the Office of Coastal Management and the U.S. Army Corps of Engineers maintain databases of approved mitigation areas and mitigation banks from which credits can be purchased.

Note that it might not be possible to use a mitigation area or mitigation bank, depending on the type and location of the habitat impacted.

+ 8. Do I need a permit for mitigation?

Yes. Public/interagency review of the mitigation project is required to ensure that it will not have unanticipated impacts on other coastal uses or coastal resources. We could do the notice prior to the issuance of a permit for the impacting activity and include the approved mitigation project as a component of that permit. Handling the mitigation as a separate permit; however, allows us to authorize the impact permit so the applicant can get started on his project while the details of the mitigation proposal are resolved.

⊕ **9. What are the mitigation processing fees and how are they assessed?**

The mitigation processing fees are based on the acreage of vegetated wetlands impacted and range from \$50 (non-commercial activity, <1 acre impacted) to \$15,000 (>100 acres impacted).

⊕ **10. How was the annual base mitigation cost derived?**

The annual base mitigation cost is based on example projects (the first few years of proposed CWPPRA projects) which could feasibly be constructed within each habitat type.

⊕ **11. How does one establish an approved mitigation bank in the Coastal Zone?**

A prospective mitigation bank sponsor is advised to consult with the Office of Coastal Management and the U.S. Army Corps of Engineers regarding his wishes to establish a mitigation bank in the Coastal Zone prior to submitting formal documents. This consultation may consist of a telephone call and/or written correspondence briefly explaining the bank proposal and providing a location map. The prospective sponsor will prepare a mitigation bank prospectus to be submitted to Office of Coastal Management and the U.S. Army Corps of Engineers (Refer to 2008 USACE Rules: Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, 40 CFR Part 230). The information provided in the prospectus will serve as the basis for establishing the mitigation banking instrument. The prospectus will be provided to the Interagency Review Team (IRT) co-chaired by the Office of Coastal Management and the U.S. Army Corps of Engineers. Based on the information provided in the prospectus, the site visit findings, and IRT discussions, the IRT may recommend modifications to the bank proposal. If the bank proposal is deemed acceptable, the sponsor and/or the IRT will develop a mitigation banking instrument for IRT approval and signature.

⊕ **12. Why are Office of Coastal Management and U.S. Army Corps of Engineers monetary contribution amounts different?**

The New Orleans District Corps of Engineers' (NOD) monetary contribution amounts represent research done by the Baton Rouge Field Office of the National Marine Fisheries Service (NMFS) and other federal commenting agencies. Those values are based on the review of marsh creation projects constructed for the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), the Louisiana Department of Natural Resources' (DNR) Dedicated Dredging Program, the National Oceanic and Atmospheric Administration's (NOAA) Community-Based Restoration Program, and stand-alone mitigation construction efforts. The NOD's monetary contribution amount includes the actual average cost of constructing marsh creation projects plus an administration multiplier that estimates the cost of engineering and design. The Corps charges the same rate regardless of habitat type or hydrologic basin. These contribution amounts are generally higher than what DNR's Rules and Procedures for Mitigation allow to be assessed, as the OCM monetary contribution amounts are based on project costs that differ from the projects used by the Corps.

[Compliance Related Questions](#)

⊕ **1. If I start/complete a project without a permit, what will happen to me?**

Processing of any permit application you have pending for the project will be suspended until the

violation is resolved. You may be required to remove any structures installed and restore any impacted habitat. You may be subject to fines of up to \$12,000 and may be put in jail for up to 6 months. And that's just the state's side; resolution of any section 404/10 violations with the U.S. Army Corps of Engineers can be significantly more expensive and more complicated.

⊕ **2. How much does a violation cost?**

Fines can range from \$50 to \$12,000. Normal permit processing and mitigation fees may also be applied. There may be additional fines applied by the U.S. Army Corps of Engineers due to any section 404/10 violations.

⊕ **3. What happens if I violate permit conditions?**

You may be required to remove any structures installed and restore any impacted habitat that exceeds the permitted scope of the project. You may be subject to fines of up to \$12,000 and may be put in jail for up to 6 months. And that's just the state's side; resolution of any section 404/10 violations with the U.S. Army Corps of Engineers can be significantly more expensive and more complicated.

⊕ **4. I've already done some clearing, did I break the law?**

A representative from LDNR will perform a field investigation and project evaluation in order to determine the extent of any impacts and if you have violated any laws.

⊕ **5. How do I report a possible violation?**

You can contact Peggy Rooney or Chuck Spears of the Office of Coastal Management at (225/342-7591).

[Local Coastal Programs](#)

⊕ **1. What is a parish Local Coastal Management Program and under what authority are they established?**

The State and Local Coastal Zone Management Act enacted by the Louisiana Legislature in 1995 clearly set forth that management of the State's Coastal Resources was to be a joint effort of the State and affected Parishes' governments. In fulfillment of this legislation the Louisiana Administrative Code sets forth provisions for the establishment and approval of Local Coastal Management Programs at Louisiana Administrative Code 43:I:725 et seq. Local Coastal Management Programs assist the state Louisiana Coastal Resources Program (LCRP) in managing the state's coastal resources by taking over the regulation of "uses of local concern."

⊕ **2. What are the benefits to a parish of having a Local Coastal Management Program?**

1. A local coastal management program can serve as a centralized information nucleus, helping coordinate local implementation of the resource management programs of the many state and federal agencies.
2. Through regular meetings of a parish coastal management advisory board, local coastal programs provide a forum for local folks who know the area best to speak out on what should be priority issues for local natural resource conservation, and to speak out on what local economic considerations should be appreciated and weighed in the balance as well.
3. State and federal law says that there will be management and regulation of coastal resource use by some governmental body. Establishing a local coastal program asserts an increased level of local control over activities and uses that would typically be regarded as "uses of local concern", but would fall to state oversight in the absence of a local coastal management program.
4. Establishing a local coastal management program demonstrates that the parish is serious

about taking an active role in participating in the decision-making that shapes coastal management policy in not only that parish, but for all of coastal Louisiana.

5. Local coastal programs can help facilitate communications regarding access to funds for resource management.

⊕ 3. How does a parish acquire an approved Local Coastal Management Program?

The provisions at Louisiana Administrative Code 43: I: 725 et seq. contain the procedures for adoption and approval of Local Coastal Management Programs. These procedures are explained in more detail on the How to Start an LCP page:

<http://dnr.louisiana.gov/crm/coastmgt/interagencyaff/lcp/howtostart.asp>

Even more details can be found in the regulations here:

<http://dnr.louisiana.gov/crm/coastmgt/interagencyaff/lcp/rulesnregs.asp>

⊕ 4. What are the determining factors in issue of state vs. issue of local concern? Louisiana Revised Statute 49214.25. Types of uses:

A. Uses of the coastal zone subject to the coastal use permitting program shall be of two types:

1. Uses of state concern: Those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than LOCAL significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:
 - Any dredge or fill activity which intersects with more than one water body.
 - Projects involving use of state owned lands or water bottoms.
 - State publicly funded projects.
 - National interest projects.
 - Projects occurring in more than one parish.
 - All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.
 - All pipelines for the gathering, transportation or transmission of oil, gas and other minerals.
 - Energy facility siting and development.
 - Uses of LOCAL concern which may significantly affect interests of regional, state or national concern.
2. Uses of LOCAL concern: Those uses which directly and significantly affect coastal waters and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the LOCAL level if the LOCAL government has an approved program. Uses of LOCAL concern shall include, but not be limited to:
 - Privately funded projects which are not uses of state concern.
 - Publicly funded projects which are not uses of state concern.
 - Maintenance of uses of LOCAL concern.
 - Jetties or breakwaters.
 - Dredge or fill projects not intersecting more than one water body.
 - Bulkheads.
 - Piers.

- Camps and cattlewalks.
- Maintenance dredging.
- Private water control structures of less than \$15,000 in cost.
- Uses on cheniers, salt domes, or similar land forms.

B. Subject to the provisions of this Subpart, the delineation of uses of state or LOCAL concern shall not be construed to prevent the state or LOCAL governments from otherwise regulating or issuing permits for either class of use pursuant to another law.

⊕ **5. What is an issue of local concern?**

See uses of local concern from number 4 above.

⊕ **6. How do I determine if my application is an issue of "local concern"?**

Simply follow the permit application procedures contained in The Application section of this FAQ and LDNR will determine if your application will be a use of state or local concern. If it is determined to be a local concern, the state will forward the application to the appropriate parish with an LCP. The parish will process the application.

⊕ **7. What parishes have approved local coastal programs and when were the programs established?**

The 10 parishes with approved local coastal programs and the date of their program document are as follows:

1987 Calcasieu	2000 Plaquemines
1983 Cameron	1982 St. Bernard
1982 Jefferson	1982 St. James
1982 Lafourche	1992 St. Tammany
1985 Orleans	2000 Terrebonne

⊕ **8. What do I do and who do I contact if my permit is deemed an issue of local concern?**

Contact the applicable parish's local coastal contact person from the information below.

COASTAL PARISH CONTACTS

(Bold indicates parish with approved local coastal management program)

ASSUMPTION PARISH Assumption Parish Police Jury P.O. Box 520 Napoleonville, LA 70390 Phone: 985-369-7435 Fax: 985-369-2972	Phone: (985) 632-4666 Fax: (985) 632-8653
CALCASIEU PARISH LOCAL COASTAL PROGRAM Calcasieu Parish Police Jury P.O. Drawer 3287 Lake Charles, LA 70602 337-721-3600 fax 337-437-3586	LIVINGSTON PARISH Planning and Development P. O. Box 427 Livingston, LA 70754 Phone: 225-278-7317 Fax: 225-686-3061

CAMERON PARISH LOCAL COASTAL PROGRAM P. O. Box 1280 Cameron, LA 70631 Phone: 337-775-5718 Fax: 337-542-4145	ORLEANS PARISH LOCAL COASTAL PROGRAM City of New Orleans Mayor's Office of Environmental Affairs Office of Recovery & Development Administration 1340 Poydras Street, 10th Floor Amoco Building New Orleans LA 70112 ph. (504) 658-4074 fx. 504 658-4397
IBERIA PARISH Iberia Parish Government Emergency Management Courthouse Bldg., Suite B-130 300 Iberia Street New Iberia, LA 70560-4587 Phone: 337-369-4427 Fax: 337-369-9956	PLAQUEMINES PARISH LOCAL COASTAL PROGRAM 138 Edna Lafrance Rd. Braithwaite LA, 70040 Phone: (504) 682-3903 Fax: (504) 682-4270
JEFFERSON PARISH LOCAL COASTAL PROGRAM Jefferson Parish Department of Environmental Affairs 4901 Jefferson Hwy., Suite E Jefferson, LA 70121 Phone: 504-731-4612 Fax: 504-731-4607	ST. BERNARD PARISH LOCAL COASTAL PROGRAM St. Bernard Parish 8201 W. Judge Perez Dr. Chalmette, LA 70043 Phone 504 278 4227 Fax 504-278-4264
LAFOURCHE PARISH LOCAL COASTAL PROGRAM Lafourche Parish 101 W. 112th St. Cut Off, LA 70345	ST. CHARLES PARISH P. O. Box 302 Hahnville, LA 70057 Phone: 985-783-5060 Fax: 985-783-6447
ST. JAMES PARISH LOCAL COASTAL PROGRAM P. O. Box 106 Convent, LA 70723 Phone: 225-562-2262 Fax: 225-562-2279	P. O. Box 628 Covington, LA 70434 Phone: 985-898-2552 Fax: 985-898-5205
ST. JOHN THE BAPTIST PARISH St. John Parish Planning and Zoning Phone: 985-651-5565	TANGIPAHOA PARISH P. O. Box 215 Amite, LA 70422 Phone: 985-748-3211 Fax: 985-748-7576
ST. MARTIN PARISH	TERREBONNE PARISH LOCAL

St. Martin Parish Government P. O. Box 9 St. Martinville, LA 70582 Phone: 337-394-2200 Fax: 337-394-2203	COASTAL PROGRAM P. O. Box 2768 Houma, LA 70361 Phone: 985-580-8145 Fax: 985-580-7279
ST. MARY PARISH St. Mary Parish Council Courthouse Bldg., 5th Floor Franklin, LA 70538 Phone: 337-828-4100, ext. 508 Fax: 337-828-4092	Coastal Restoration and Preservation Phone 985-873-6889 Fax: 985-873-6795
ST. TAMMANY PARISH LOCAL COASTAL PROGRAM Dept. of Engineering	VERMILION PARISH Vermilion Parish Police Jury 100 N. State St., Suite 200 Abbeville, LA 70510 Phone: 337-898-4300 Fax: 337-898-4310

⊕ **9. Do parishes regulate oil and gas?**

No. Parishes are expressly prohibited from regulating oil and gas through their approved local coastal programs. Many, however, have other parish ordinances by which they regulate certain aspects of the oil and gas business.

⊕ **10. Why do parishes have advisory committees and what do they do?**

Parish Local Coastal Programs may have advisory committees, but they are not required to. Parishes have advisory committees for numerous reasons including a method to obtain and to provide for citizen input to proposed activities which might impact their coastal zone, provide their elected officials with advice from their constituents on issues of concern relative to coastal matters, provide a venue for comment on activities that are uses of state concern, etc.

⊕ **11. When do the Coastal Zone Advisory Committees meet?**

Coastal Parish Advisory Committee Information is subject to change at the Parishes discretion. Please see question 8 and contact the Parish directly.

⊕ **12. If I get assigned mitigation by the Local Coastal Management Program will this satisfy my mitigation requirements for the U.S. Army Corps of Engineers?**

The state and the local Coastal Management Programs always try to coordinate mitigation requirements with the U.S. Army Corps of Engineers; however there could be instances where the requirements differ.

⊕ **13. Is there state oversight of the parish Local Coastal Management Programs?**

Yes, the regulations for the state oversight of the programs are contained at Louisiana Administrative Code 43: I: 725: F: 2: which can be found here:

<http://dnr.louisiana.gov/crm/coastmgt/interagencyaff/lcp/rulesnregs.asp>

⊕ 14. Where can I go for more information on Local Coastal Management Programs?

Please visit:

<http://dnr.louisiana.gov/crm/coastmgt/interagencyaff/lcp/lcp.asp>

Consistency

⊕ 1. What is Consistency?

A Consistency review is to ensure that activities in the coastal zone are consistent with the Louisiana Coastal Resources Program (LCRP). Activities in the coastal zone may require a Coastal Use Permit. Some types of coastal activities are exempt from Coastal Use Permits yet still must be consistent with the LCRP. For example, Federal agencies are not required to obtain a CUP for their activities. Other examples include deep-water ports and projects such as oil and gas exploration on Federal property. Although not requiring a CUP, these activities still are required to be consistent with the State's coastal management program.

The same standards and policies are used for both Consistency and CUP review.

⊕ 2. Who should apply for Consistency review?

- Federal agencies, whose activities (including new policies or regulations) may affect the land use, water use, or natural resources of the Coastal Zone
- Private individuals or companies with activities on federal property (whether owned outright or controlled by the federal government), such as National Wildlife Refuges
- Anyone whose activities are exempt from the Coastal Use Permits by State law (projects within fastlands or more than five feet above sea level, deep water ports, etc.), but whose activities may affect coastal resources
- Parish or local governments receiving federal grants or loans, such as HUD Block Grants
- Oil and gas exploration and production, and ROW Pipelines on the Outer Continental Shelf

⊕ 3. Should I apply for a Coastal Use Permit or a Consistency determination?

DNR staff can sort this question out for you. Telephone, e-mail, letter, or in-person consultation are all available, but the easiest method is often to simply submit the CUP application.

⊕ 4. We're not actually building anything. We're simply enacting a plan or new set of rules and regulations.

Whether or not any actual construction is proposed, if a Federal agency takes any action that may have reasonably foreseeable effects on coastal land use, water use, or natural resources, a consistency review is necessary. This includes indirect, secondary and cumulative impacts.

⊕ 5. How do I go about submitting a consistency or determination?

For applicants for Federal licenses or permits, simply send a copy of the permit application with a statement that you certify that the referenced project complies with and will be conducted in a manner consistent with the Louisiana Coastal Resources Program. Also include, if not part of the Federal application, a detailed description of the proposed action, a large-scale location map, and plats and cross-sections of the proposed work.

For Federal agency activities, consistency determinations can be in any format. They must include a thorough description of the proposed activity and anticipated coastal impacts, a location map, plats and cross-sections of the proposed work. For projects whose locations cannot easily be described by a few lat/long points, GIS shapefiles, in NAD 1983 State Plane Louisiana South Zone projection. Finally, include the statement that you have determined that the proposed activity is consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program.

⊕ **6. What are the fees for Consistency review?**

There is a \$300 fee for processing consistency applications. If a part of a project requires a Coastal Use Permit, the Consistency fee is reduced by the amount of the Permits fees. In addition, some activities are exempt from the Consistency fee, including:

- Oil spill response
- Activities performed for the management of State Wildlife Management areas and Refuges, National Wildlife Refuges, and State and National Parks
- The review of federal assistance to state and local agencies

⊕ **7. How long does it take to process an application for consistency determination?**

We try very hard to complete each review as quickly as possible. The time of review depends on the type and complexity of the project and our overall workload. Most projects have a mandatory 15-day Public Comment Period, which begins within a week of receipt of the application. We usually complete our reviews well within our mandated deadlines, which are 60 to 75 days for Direct Federal Actions and three months for all other projects.

⊕ **8. Can I submit my Consistency application and check its status online?**

At this time, Consistency does not have electronic submission and processing capabilities. You can find your project and the name of the Consistency analyst in our database at

<http://dnr.louisiana.gov/crm/coastmgt/databases.asp>

⊕ **9. If I send my application for consistency to DNR, will I still need to coordinate with the Corps/other federal agencies?**

Copies of Consistency applications are forwarded, with a request for comments, to the Corps of Engineers, US Fish and Wildlife Services, the Environmental Protection Agency, National Marine Fisheries, The Louisiana Department of Environmental Quality, the Louisiana Department of Wildlife and Fisheries, the Office of State Lands, and the local Parish coastal management office. These agencies should contact you directly if they require additional materials.

⊕ **10. I don't need a Corps permit. Do I need to send an application to OCM?**

Perhaps. If you are a Federal agency and your activity may affect coastal land use, water use, or natural resources of the Louisiana coastal zone, a consistency determination may be required. If you're not a Federal agency, but your activity may affect coastal resources, a consistency determination or Coastal Use Permit may be required.

⊕ **11. What are the laws, rules and regulations governing Consistency?**

Federal:

- The Coastal Zone Management Act of 1972, as amended: 16 U.S.C.A. §§ 1451 to 1464

- NOAA Regulations at 15 CFR 930

State:

- The State and Local Coastal Resources Management Act of 1978, as amended: Louisiana Revised Statutes §§ 49:213.1 to 214.42
- The Louisiana Administrative Code Title 43, §§ 700-729
Click [here](#) for more information.

⊕ 12. My activity is not in the Coastal Zone, do I still need to send the application to DNR?

A proposed activity that is outside the Coastal Zone may still affect coastal resources. If coastal effects are reasonably foreseeable, a Consistency determination may be required even in cases where a Coastal Use Permit is not.

On occasion some other regulatory entity will require a written determination from our office even though we would not normally regulate the activity.

⊕ 13. I'm already doing NEPA compliance. Why do I need to do a consistency determination too?

NEPA and the CZMA are two different Acts, each with their own requirements. The two processes require much of the same information, so it may be convenient for you to provide your NEPA documentation as part of the consistency determination. There may, however, be other requirements unique to each law.

[Coastal and Estuarine Land Conservation Program \(CELCP\)](#)

⊕ 1. What is CELCP?

The Coastal and Estuarine Land Conservation Program (CELCP, pronounced “kelp”) was established by the Office of Ocean and Coastal Management (OCM), part of the National Oceanic and Atmospheric Administration (NOAA), to protect coastal and estuarine lands that are (1) important for ecologic, conservation, historic, recreation, and/or aesthetic values, or (2) threatened by conversion from a natural or recreational condition to another use. Priority is given to ecologically valuable lands that can be effectively managed and protected.

⊕ 2. How is CELCP Funded?

The program provides state and local governments with 1:1 matching funds to purchase from willing sellers either lands in fee or conservation easements. Lands or conservation easements acquired with CELCP funds are protected in perpetuity.

⊕ 3. How do I apply for funding?

1. Pre-proposal:

The process for submitting projects for national review begins with receipt of a Request for Proposals (RFP) from NOAA. NOAA will publish a Federal Funding Opportunity (FFO) notice to solicit project proposals from eligible states each year. The schedule for this process may vary. Based on the federal RFP, LDNR will then announce a formal request for proposals. Applications are then reviewed and ranked by LDNR and submitted to NOAA within the federally authorized timeline. For each competitive funding cycle, NOAA also conducts a technical review of proposals to determine whether

they are ready and eligible and a merit-based peer review process to rank proposals for funding.

2. Final grant application

Once Congress has appropriated funding for the CELCP, NOAA will notify the applicants of projects selected for funding and give instructions on how to submit a final grant application to NOAA to receive the funds.

⊕ **4. What are the requirements for Project Eligibility?**

- Prospective projects eligible for competitive funding must:
- Be located in a state, trust territory, or commonwealth with either a federally-approved coastal zone management (CZM) program or National Estuarine Research Reserve
- Be located in a state that has developed and received NOAA approval for a CELCP Plan
- Complement and advance the goals, objectives, or implementation of federal, regional, state, or local coastal management plans, including the CZM program, CELCP plan, and other applicable plans
- Be submitted by a public entity, i.e., state agency, local government, or other authority, e.g., a park district
- Provide for [non-federal] public ownership in perpetuity
- Provide non-federal matching resources in the form of cash or in-kind contributions, at a ratio of 1:1

⊕ **5. Why preserve coastal & estuarine lands?**

Coastal and estuarine areas are important both to humans and wildlife. These areas shield us from coastal storms, facilitate flood control, filter pollutants to maintain water quality, and provide access to waterfront areas for recreation. Our coasts also shelter fish and shellfish that are important to commercial and recreational fisheries. Coastal habitats provide nesting and foraging areas for coastal birds. These unique areas sustain numerous animal and plant species, including rare, threatened, and endangered species.

⊕ **6. Does Louisiana have a CELCP plan and is there a boundary?**

Yes, it can be found on our CELCP webpage at the following web address;

<http://dnr.louisiana.gov/CRM/coastmgt/interagencyaff/celcp/default.asp>

[Coastal Nonpoint Pollution Program \(CNPCP\)](#)

⊕ **1. What is nonpoint source pollution?**

Nonpoint source (NPS) pollution, unlike point source pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water.

⊕ **2. What are some examples of these pollutants?**

- Excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas;
- Oil, grease, and toxic chemicals from urban runoff and energy production;

- Sediment from improperly managed construction sites, crop and forest lands, and eroding stream-banks;
- Salt from irrigation practices and acid drainage from abandoned mines;
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems;
- Atmospheric deposition and hydromodification are also sources of nonpoint source pollution.

⊕ **3. What are the effects of these pollutants on our waters?**

States report that nonpoint source pollution is the leading remaining cause of water quality problems. The effects of nonpoint source pollutants on specific waters vary and may not always be fully assessed. However, we know that these pollutants have harmful effects on drinking water supplies, recreation, fisheries, and wildlife.

⊕ **4. What causes nonpoint source pollution?**

We all play a part. Nonpoint source pollution results from a wide variety of human activities on the land. Each of us can contribute to the problem without even realizing it.

⊕ **5. What can we do about nonpoint source pollution?**

We can all work together to reduce and prevent nonpoint source pollution. Some activities are federal responsibilities, such as ensuring that federal lands are properly managed to reduce soil erosion. Some are state responsibilities, for example, developing legislation to govern mining and logging, and to protect groundwater. Others are best handled locally, such as by zoning or erosion control ordinances. And each individual can play an important role by practicing conservation and by changing certain everyday habits.

⊕ **6. What is the CNPCP?**

The Coastal Nonpoint Pollution Control Program works to prevent pollutants from making their way into our lakes, streams, wetlands, coastal waters and ground waters. The Program builds upon existing state coastal zone management and water quality programs by applying a consistent set of economically achievable management measures consisting of various Best Management Practices (BMPs) to prevent and mitigate polluted runoff. These measures are designed to control runoff from six main sources:

1. forestry,
2. agriculture,
3. urban areas,
4. marinas,
5. hydromodification (shoreline and stream channel modification), and
6. loss of wetlands and riparian areas.

⊕ **7. What are examples of BMPs?**

1. Vegetated Buffers - Strips of vegetation established between a pollution source and a waterbody remove pollutants in runoff. These buffers vary in width and can be designed as a vegetated filter strip, a wetland, or a riparian area.
2. Urban Stormwater Ponds - Constructed wetlands and multiple-pond systems remove pollutants by impounding runoff to control runoff rates and settle and retain suspended

solids and associated pollutants.

3. Shoreline Revegetation - Preservation and protection of shorelines and streambanks can be accomplished through many approaches, such as soil bioengineering. This refers to the installation of living plant materials as a main structural component in controlling erosion caused by land instability.

+ 8. Why does Louisiana have a CNPCP?

In 1990 the United States Congress passed the Coastal Zone Act Reauthorization Amendments (CZARA) which entrusted the States with the task of developing and implementing State Coastal Nonpoint Pollution Control Programs. Coastal waters are an extremely valuable resource. They provide us with food, recreational opportunities, commerce pathways and solace. However, they are under increasing pressures from a growing coastal population—half the nation's population now lives along the coast. Although we have significantly reduced point source pollution—pollution discharged directly from pipes, such as from a factory or a sewage treatment plant—nearly half of our coastal waters are still degraded.

+ 9. Where can I go for more information on nonpoint and BMPs?

Visit our website at:

<http://dnr.louisiana.gov/CRM/coastmgt/interagencyaff/nonpoint/nonpoint.asp>

Oil Spills

+ 1. What to do in the event of a release?

If you see spilled oil, the law requires you to make two (toll-free) calls:

- 1) Call the 24-hour Louisiana Emergency Hazardous Materials Hotline at (877) 925-6595
- 2) Call the National Response Center at (800) 424-8802

+ 2. What is the threshold of spilled oil to be reported?

Any amount of material spilled that causes a sheen on the water should be reported.

+ 3. What is LDNR's role in oil spills?

LDNR works with other state and federal trustees and the Responsible Party (RP: the entity that releases oil) to assist each other in prioritizing protection of natural resources during any significant unauthorized discharge of oil. Through conservation, regulation, and scientifically sound management the Oil Spill section works to preserve vegetative wetlands.

+ 4. Does LDNR evaluate spills state wide?

LDNR's Oil Spill section evaluates oil spills within the Louisiana Coastal Zone which is defined as coastal waters and adjacent shorelands which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have direct and significant impact on coastal waters. If a pipeline and/or any other oil producing structure(s) is involved with a spill the Oil Spill section will coordinate with DNR's [Office of Conservation](#).

+ 5. What is NRDA?

The Natural Resource Damage Assessment is the process by which the Federal and State trustees follow in order to make the environment and public whole for injuries to natural resources and

services resulting from an incident involving a discharge or substantial threat of a discharge of oil.

⊕ 6. What is RRP?

State of Louisiana and federal natural resource trustees have developed a statewide Louisiana Regional Restoration Planning Program (RRP Program) to assist the natural resource trustees in carrying out their Natural Resource Damage Assessment (NRDA) responsibilities for discharges or substantial threats of discharges of oil (referred to herein as “incident(s)”).

The goals of this statewide program are to:

- (1) expedite and reduce the cost of the NRDA process
- (2) provide for consistency and predictability by describing in detail the NRDA process, thereby increasing understanding of the process by the public and industry
- (3) increase restoration of lost natural resources and services

For more information on the NRDA and the RRP Program go to: <http://www.losco.state.la.us>